

sore throat, tonsilitis, quincy, and nasal catarrh; and effective to retard tooth decay and receding gums. Misbranding was alleged with respect to the 4-ounce bottles for the further reason that certain statements, designs, and devices, contained in a circular shipped with the article, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat, quinsy, tonsilitis, acute and chronic inflammation of the throat, bleeding gums, pyorrhea, trench mouth, spongy loose gums, cuts, wounds, infections, nasal conditions, nasal catarrh, hay fever and all infections of the nasal cavity; effective as a treatment against disease in time of epidemics; effective as a remedial spray in oral and nasal cavities; and effective to retard tooth decay and receding gums.

On November 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20553. Misbranding of Papoose root beer. U.S. v. 68 Bottles, et al., of Papoose Root Beer. Default decrees of condemnation and destruction. (F. & D. nos. 29053, 29059, 29108. Sample nos. 16937-A, 16943-A, 16946-A.)

Analyses of the root beer extract covered by these cases disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels.

On October 14, 1932, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of the said Papoose root beer extract at Mobile, Ala. On or about October 14, and October 21, 1932, the United States attorney for the Southern District of Mississippi, filed libels against 57½ dozen bottles of the product at Gulfport, Miss. It was alleged in the libels that the article had been shipped in interstate commerce by E. A. Zatarain & Sons, Inc., in various shipments, on or about July 2, July 11, and August 13, 1932, from New Orleans, La., into the States of Alabama and Mississippi, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plants, glycerin, and water, colored with caramel and flavored with sassafras oil and methyl salicylate.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: "It is Nature's own remedy. It is a gift from the Almighty * * * It is a treasure for the sick and afflicted. It is free for the blind and in all cases of incurable diseases."

No claim or answer was filed in the cases. On February 27, 1933, judgments of condemnation were entered in the cases instituted in the Southern District of Mississippi, and the court ordered that the product be destroyed by the United States marshal. On March 6, 1933, a decree of condemnation and destruction was entered against the product seized at Mobile, Ala.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20554. Conspiracy to violate the Food and Drugs Act. U.S. v. Harry Lesser, Forrest E. James, Walter E. Anderson, Philip M. Lahn, and Henry J. Henners. Tried to a jury. Indictment dismissed as to defendant Anderson. Defendants Lesser and James found guilty; each sentenced to 1 year and 8 months' imprisonment and fined \$2,500, without costs. Defendant Lahn found guilty and sentenced to 1 year and 5 months' imprisonment, without costs. Verdict of not guilty as to defendant Henners. Appeal to Circuit Court of Appeals. Judgment of conviction affirmed. (Conspiracy no. 100.)

This indictment charging conspiracy to violate the Food and Drugs Act was the result of investigations conducted by the Food and Drug Administration. At the trial evidence was introduced showing interstate shipments by the defendants trading as Jordan Bros., S. A. Hall, and Charles M. Pomeroy, of a product labeled, "Liquid Medicine", and invoiced as "Fluid Extract of Ginger, U.S.P.", or with a similar statement representing that the article was fluidextract of ginger made in accordance with the formula set forth in the United States Pharmacopoeia. Analyses of samples showed that it contained a smaller proportion of ginger extractives than contained in the pharmacopoeial product. It also contained an abnormal ingredient, an organic phosphorous